

2000R00103/AK/SD/flk

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA	:	Hon. Freda L. Wolfson
v.	:	Crim. No. <u>22-468-01</u>
ALFRED POWNER, II,	:	CONSENT JUDGMENT
Defendant.	:	AND ORDER OF FORFEITURE (MONEY JUDGMENT)

WHEREAS, on or about 7-12-22, defendant Alfred Powner, II pleaded guilty pursuant to a plea agreement with the United States to a one-count Information, which charged him with wire fraud, in violation of 18 U.S.C. § 1343 (Count One);

WHEREAS, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), a person convicted of wire fraud, in violation of 18 U.S.C. § 1343, as alleged in the Information, shall forfeit to the United States all property, real and personal, that constitutes or is derived from proceeds traceable to the commission of such offense;

WHEREAS, the property subject to forfeiture by defendant Alfred Powner, II includes a sum of money equal to approximately \$156,277.88 in United States currency, representing the proceeds of the offense charged in the Information;

WHEREAS, in the plea agreement, the defendant consented the imposition of a criminal forfeiture money judgment in the amount of \$156,277.88 in United

States currency, representing the proceeds of the offense to which the defendant agreed to plead guilty;

WHEREAS, Rule 32.2(c)(1) of the Federal Rules of Criminal Procedure provides that no ancillary proceeding is required to the extent that the forfeiture consists of a money judgment;

WHEREAS, Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure provides that a preliminary order of forfeiture, including a preliminary order of forfeiture consisting of a money judgment, may become final at any time before sentencing if the defendant consents;

WHEREAS, defendant Alfred Powner, II:

(1) Consents to the forfeiture to the United States of \$156,277.88 in United States currency as a sum of money representing the proceeds of the offense charged in the Information, to which the defendant has pleaded guilty (the "Money Judgment");

(2) Consents to the imposition of a money judgment in the amount of \$156,277.88 in United States currency pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and agrees that this Order is final at the time of its entry by the Court, pursuant to Rule 32.2(b)(4)(A) of the Federal Rules of Criminal Procedure;

(3) Agrees to consent promptly upon request to the entry of any orders deemed necessary by the government or the Court to complete the forfeiture and disposition of property forfeited to satisfy the Money Judgment;

(4) Acknowledges that one or more of the criteria set forth in 21 U.S.C. § 853(p) are met, entitling the United States to forfeit substitute assets;

(5) Agrees promptly to pay the Money Judgment in full;

(6) Waives the requirements of Federal Rules of Criminal Procedure 32.2 and 43(a) regarding notice of forfeiture in the charging instrument, announcement of the forfeiture in the defendant's presence at sentencing, and incorporation of the forfeiture in the Judgment of Conviction;

(7) Acknowledges that he understands that forfeiture of property will be part of the sentence imposed upon him in this case and waives any failure by the Court to advise him of this, pursuant to Federal Rule of Criminal Procedure 11(b)(1)(J), during the plea hearing; and

(8) Waives any and all claims that this forfeiture constitutes an excessive fine and agrees that this forfeiture does not violate the Eighth Amendment.

WHEREAS, good and sufficient cause has been shown,

It is hereby ORDERED, ADJUDGED, AND DECREED:

THAT, as a result of the offense charged in the Information, to which the defendant Alfred Powner, II has pleaded guilty, and the defendant having conceded that one or more of the criteria set forth in 21 U.S.C. § 853(p) are met, the United States is entitled to forfeit proceeds and/or substitute assets equal to the value of the proceeds obtained by the defendant, which was \$156,277.88. A money judgment in the amount of \$156,277.88 in United States currency (the "Money Judgment") is hereby entered against the defendant pursuant to 18

U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c) and Federal Rule of Criminal Procedure 32.2(b).

IT IS FURTHER ORDERED that, the defendant having given his consent pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), upon entry of this Consent Judgment and Order of Forfeiture, this Order is final as to the defendant Alfred Powner, II, shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

IT IS FURTHER ORDERED that all payments on the Money Judgment shall be made by (i) electronic funds transfer, as directed by the United States Attorney's Office; or (ii) postal money order, bank or certified check, made payable, in this instance to the United States Marshals Service, and delivered by mail to the United States Attorney's Office, District of New Jersey, Attn: Asset Forfeiture and Money Laundering Unit, 970 Broad Street, 7th Floor, Newark, New Jersey 07102, and shall indicate the defendant's name and case number on the face of the check.

IT IS FURTHER ORDERED that, pursuant to 21 U.S.C. § 853, the United States Marshal Service is authorized to deposit all payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

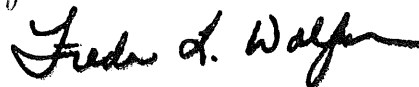
IT IS FURTHER ORDERED that, pursuant to Federal Rule of Criminal Procedure 32.2(b)(3), upon entry of this Order, the United States Attorney's Office is authorized to conduct any discovery needed to identify, locate, or dispose of

property to satisfy the Money Judgment, including depositions, interrogatories, requests for production of documents and the issuance of subpoenas.

IT IS FURTHER ORDERED that the Clerk of the Court is directed to enter a money judgment against the defendant in favor of the United States in the amount of \$156,277.88 in United States currency.

IT IS FURTHER ORDERED that this Court shall retain jurisdiction to enforce this Order and to amend it as necessary. *See, e.g., Fed. R. Crim. P. 32.2(e).*

ORDERED this 12th day of July, 2022.



HONORABLE FREDA L. WOLFSON
United States District Judge


The undersigned hereby consent to the entry and form of this Order:

PHILIP R. SELLINGER
United States Attorney

s/ Andrew Kogan

By: ANDREW KOGAN
Assistant United States Attorney

Dated: July 5, 2022



CAROL DOMINGUEZ, ESQ.
Attorney for Defendant
Alfred Powner, II

Dated: 7/11/22

s/Alfred Powner
ALFRED POWNER, II, Defendant

Dated: 7/11/22